

Appl. No. 09/975,622

REMARKS

In response to the final Office Action dated November 15, 2004, Applicants respectfully request reconsideration.

Allowable Subject Matter

In the Office Action, the Examiner indicated that claims 2, 7, 8 and would be allowable if rewritten in independent form. Applicant notes, however, that claim 7 is already in independent form, and therefore should be allowable. The Examiner also allowed claims 12-17.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 3-6, and 9-11 under 35 U.S.C. § 102(b) as being anticipated by Ekwall et al. (US 5,578,067). Applicant respectfully traverses the rejection. Ekwall et al. fails to disclose all of the features of the claimed invention, as required by 35 U.S.C. § 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

In support of the rejection of claims 1, 3-6, and 9-11, the Examiner stated that the Ekwall et al. device is inherently capable of neural stimulation. The Examiner further asserted that the embodiments allowing directional exposure of the contact would include "ring" electrodes in that the entire circumference of the lead is capable of being selectively exposed.

Claims 1 and 3-5

In regard to Applicant's claim 1 and 3-5, Ekwall et al. fails to disclose or suggest a lead carrier having both an attachment detail for coupling to a lead distal end and an electrode shield positioned by the attachment detail to insulate a portion of the ring electrode.

Instead, Ekwall et al. describes an endocardial lead having a distal stimulating electrode, a conductive surface, and a tube-like insulating body arranged along the conductive surface to form the second electrode.¹ In each embodiment disclosed by Ekwall et al., the insulating body is a

¹ Ekwall et al. Col. 4, ll. 49 - Col. 6, ll. 24

BEST AVAILABLE COPY

Appl. No. 09/975,622

flexible tube that slides over the lead. In one embodiment, Ekwall et al. describes a control element used to slide and rotate the insulating body about the electrode cable.²

The tube disclosed by Ekwall et al. does not include the two structurally distinct features required by claims 1 and 3-5, i.e., an electrode shield and an attachment detail for positioning the electrode shield. In fact, Ekwall et al. makes no mention of an attachment detail or any other mechanism to attach an electrode shield to a lead body. The sleeve-like tube disclosed by Ekwall et al. itself forms an insulator, and is not coupled to any additional means for attaching the tube to a lead. Hence, Ekwall et al. clearly lacks the distinct structural elements required by the claims, i.e., an attachment detail and an electrode shield.

Claim 6

In regard to Applicant's claim 6, Ekwall et al. likewise fails to suggest a means for coupling to a lead distal end and positioning an electrode shield to insulate a portion of a ring electrode carried on the distal end. Similar to the argument set forth with respect to Applicant's claims 1 and 3-5, Ekwall et al. does not describe a means for coupling to the lead distal end and positioning an electrode shield. Again, Ekwall et al. simply describes an insulating tube that requires no coupling means.

Claims 9-11

Ekwall et al. also does not disclose or suggest Applicant's claim 9 recites an attachment mechanism to attach the shield to a lead body, the shield at least partially insulating a portion of the ring electrode from tissue at an implantation site on a side of the shield opposite the ring electrode, as required by claims 9-11. The differences between the Ekwall et al. device and the requirements of claims 9-11 should be clear in view of the remarks above with respect to claims 1 and 3-5.

² Ekwall et al. Col. 6, ll. 25-45

Appl. No. 09/975,622

CONCLUSION

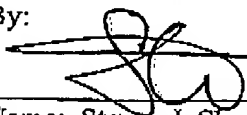
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

1-14-05

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

By:



Name: Steven J. Shumaker
Reg. No.: 36,275

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.